

Adopted: May 15, 2001

ACADEMIC SENATE  
Of  
CALIFORNIA POLYTECHNIC STATE UNIVERSITY  
San Luis Obispo, CA

AS-568-01IFEC  
RESOLUTION ON  
PROCEDURES AND NAME CHANGE FOR THE  
ACADEMIC SENATE FACULTY ETHICS COMMITTEE

- 1 WHEREAS, The Academic Senate adopted AS-501-98/ETF, Resolution on Faculty Dispute  
2 Process, on June 2, 1998; and  
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4 WHEREAS, The Resolution on Faculty Dispute Process charged the Faculty Ethics Committee  
5 with creating procedures to implement a faculty dispute review process; and  
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7 WHEREAS, The Faculty Ethics Committee has completed its procedural document titled  
8 *Faculty Dispute Review Committee Procedures* (attached); and  
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10 WHEREAS, The Faculty Ethics Committee's charge is more accurately reflected in the name  
11 Faculty Dispute Review Committee; therefore, be it  
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13 RESOLVED: That the Academic Senate adopt the attached *Faculty Dispute Review Committee*  
14 *Procedures*, and be it further  
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16 RESOLVED: That the Academic Senate Bylaws be modified to reflect the name change from  
17 Faculty Ethics Committee to Faculty Dispute Review Committee.

Proposed by: Faculty Ethics Committee  
Date: April 11, 2001  
Revised: May 15, 2001

## FACULTY DISPUTE REVIEW COMMITTEE PROCEDURES

### **Background**

1 The resolution to form this Committee was proposed by the Faculty Affairs Committee and the  
2 Ethics Task Force and was passed by the Academic Senate on June 2, 1998 (AS-501-98/ETF).  
3 The Committee was charged with developing and implementing a faculty dispute process  
4 consistent with the AAUP Statement on Professional Ethics.  
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### **Introduction**

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9 The American Association of University Professors has recognized  
10 that membership in the academic profession carries with it special  
11 responsibilities and has affirmed these responsibilities in major policy  
12 statements. 'In the academic profession, the individual institution of  
13 higher learning provides assurance and so should normally handle  
14 questions concerning propriety of conduct within its own framework  
15 by reference to faculty groups... Civility between faculty members is  
16 a matter of faculty responsibility ...'  
17

18 As colleagues, professors have obligations as members in the community  
19 of scholars. Professors do not discriminate against or harass colleagues.  
20 They respect and defend the free inquiry of associates. In the exchange of  
21 criticism and ideas, professors show due respect for the opinion of others.  
22 Professors should accept their share of faculty responsibilities for the  
23 governance of their institution.  
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### **Preamble/Charge**

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28 The Committee represents a resource where faculty can have disputes reviewed by peers for a  
29 resolution recommendation. Faculty includes full-time and part-time "teaching" faculty. The  
30 Committee was formed to address disputes between faculty members which can not be resolved  
31 by other means, deals with disputes between/among faculty members only, and attempts to reach  
32 equitable resolution. Faculty should make every attempt at informal resolution prior to appealing  
33 to this Committee. Appearance before the Committee is voluntary, and proceedings are kept  
34 confidential by Committee members. The Committee recognizes the obligation to report any  
35 illegal activity. The authority of this Academic Senate Committee is limited as a recommending  
36 body to the Provost. The Committee does not deal with decisions or questions of professional  
37 review such as RPT and FMI. (See sections which follow that detail jurisdiction and  
38 procedures.)

## **Membership/Terms/Chair/Quorum**

The Faculty Dispute Review Committee shall consist of six (6) tenured faculty members representing each of the Colleges and one representative from Professional Consultative Services, appointed by the Executive Committee of the Academic Senate for staggered two-year terms. The University Ombudsman will be a non-voting ex-officio member of the Committee. The members of the Committee shall elect the Committee chair. A quorum shall consist of 5 voting Committee members. The Committee may invite various consultants to attend to provide advice on university policies and procedures.

## **Jurisdiction**

### **Matters within the Committee's jurisdiction**

- A. Violations of AAUP Statement on Professional Ethics (Appendix A)
- B. Disputes that may arise between faculty members that seriously impair their ability to function effectively as member(s) of the university.

### **Matters excluded from the Committee's jurisdiction**

- A. Disputes in which the relief requested is beyond the power of the University to grant.
- B. Disputes being considered by another dispute resolution entity or under another procedure within the University (e.g. sexual harassment, amorous relationships, etc.).
- C. Matters that fall under Collective Bargaining Agreements.
- D. Disputes being heard or litigated before agencies or courts outside the University.

## **Informal Resolution of A Dispute**

Faculty should make every effort at informal resolution prior to appealing to the Faculty Dispute Review Committee. Faculty might converse with other faculty, department heads/chairs, deans, staff in the Employee Assistance Program, and/or the University Ombudsman.

## **Procedures for Requesting A Dispute Resolution**

Where informal resolution is found to be unsuccessful, faculty may request dispute resolution by the Committee.

To initiate the process, the faculty member (hereafter, the applicant) shall submit the written request (8 copies) to the chair of the Committee. The request shall contain:

- A. A concise statement of the conduct which is the subject of the request,
- B. The person(s) involved,
- C. The person(s) recommended as witness(es) (if needed by the Committee),
- D. The resolution sought,
- E. The efforts already made by the applicant to resolve the dispute, and
- F. An affirmation that the dispute is not pending in some other forum in or outside the University.

1 A request may contain more than one claim of wrongful action and seek more than one form of  
2 relief; separate claims must be specifically identified. A request should be presented in a timely  
3 fashion and should be raised within 12 months of the perceived dispute. If special circumstances  
4 exist, the Committee may choose to review a dispute older than 12 months. The request may not  
5 exceed five, double-spaced, typed pages. Along with the request, supporting or clarifying  
6 documentation, not exceeding 10 additional pages, may be included. The Committee may also  
7 request further documentation.

## 10 Basis for Rejection of A Request

### 12 Failure to Meet Criteria

13 The Committee may reject a request that does not meet stated criteria; defects may be corrected,  
14 and a new request may be submitted.

16 The Committee may initially reject a request if adequate effort to pursue available avenues of  
17 informal resolution has not been made.

### 19 Jurisdiction

20 The Committee may decide the request does not fall within its jurisdiction and reject the request.

### 22 Insubstantial

23 The Committee may reject the request if it is insubstantial or the dispute is not sufficiently  
24 related to the concerns of the academic community.

## 27 Committee's Response to A Request

### 29 Notification to Applicant

30 If the request falls within the Committee's jurisdiction, the Committee shall notify the applicant  
31 who then shall be required to send to the person(s) whose alleged conduct is the basis for the  
32 request (hereafter, the responder) a copy of all materials submitted earlier to the Committee.

### 34 Notification to Responder

35 The Committee shall request a written response from the responder. The response must meet the  
36 same standards specified for requests: the position stated concisely in no more than 5 pages with  
37 a limit of up to 10 pages of supporting or clarifying documentation, suggested witnesses, etc.

### 39 Time Limits

40 The Committee may set reasonable time requirements for the submission of materials. If no  
41 response is made, the Committee may take such inaction into consideration in its resolution of  
42 the dispute

## Scope and Conduct of A Dispute Review

The nature and means employed in pursuing the review (review of submitted materials, interviewing of relevant parties, and gathering of relevant information) shall be at the discretion of the Committee. A review shall be as extensive as necessary to resolve the dispute fairly. The Committee may conduct its own interviews, request additional evidence from the parties, interview individuals it considers potentially helpful, and review the written materials before it. At any stage of a review, the Committee may exercise its ability and discretion to resolve the dispute through mediation and reconciliation between the parties or refer the matter to an appropriate dispute resolution resource available within the University.

### Voluntary Process

The process is voluntary, and any witness can choose not to participate.

### Burden of Proof

The burden of proof by a preponderance of evidence lies with the applicant.

### Quorum

A quorum of the Committee will be available during a review; a Committee member may be excused if s/he feels a conflict of interest or inability to be fair and impartial in reviewing a case.

### SubstituteCs)

The Committee may request the Executive Committee of the Academic Senate to appoint substitutes.

### Use of Attorneys

Attorneys may not be used by either party during any part of a Committee review.

### New Evidence

Any new evidence made available to the Committee must be provided to all parties with the chance of rebuttal.

### Witnesses

The Committee may meet with any witnesses deemed appropriate to reach a resolution.

### Privacy/Confidentiality

Each review will be held in private. Content of the review will be confidential for Committee members except for the need to interview witnesses to reach a resolution or when illegal activity is discovered and which must be reported.

### Timing

If hearings are deemed appropriate, the Committee may impose time restrictions for the submission of materials and/or length of presentations. Every effort will be made to expedite review and reach timely resolutions.

1 Concluding the Investigation

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3 A review shall be concluded when any of the following occur (no report will be made to the  
4 Provost for A, B, or C):

- 5 A. The Committee rejects the request,  
6 B. The dispute is resolved with the consent of the parties,  
7 C. The Committee makes a recommendation which both parties accept, or  
8 D. The Committee issues its report to the Provost.

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11 Report to the Provost

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13 If there is a report to the Provost, the Committee shall indicate in writing the results of its review.  
14 The form of the report to the Provost may be:

- 15 A. A statement that the Committee could not resolve the dispute.  
16 B. A recommendation for further investigation by the Provost.  
17 C. A recommendation for action.

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19 The report should be signed by those who concur with the findings. Abstentions will be  
20 recorded, and minority reports may be included with the report by those who desire.

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23 Further Action

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25 Within 30 days after receipt of the Committee report, the Provost may accept the report, affirm  
26 the recommendation, meet with the committee to discuss objections, take further action, and *lor*  
27 reject the recommendation.

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29 The Provost's decision shall be final and conclusive, and the matter in question shall be deemed  
30 closed.

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33 Use of Committee Review for Subsequent Dispute Resolution Intervention

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35 Should either party seek to utilize any subsequent internal or external dispute resolution  
36 intervention, only the final report of the Faculty Dispute Review Committee will be made  
37 available.

-- Appendix A --

## Statement on Professional Ethics

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*The statement which follows, a revision of a statement originally adopted in 1966, was approved by Committee B on Professional Ethics, adopted by the Council, and endorsed by the Seventy-third Annual Meeting in June 1987.*

### INTRODUCTION

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research. The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and Committee B, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the *Association's Recommended Institutional Regulations on Academic Freedom and Tenure*.

### THE STATEMENT

I. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

II. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They

respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

iii As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

IV. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

V. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.



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CAL POLY

State of California

**Memorandum**

RECEIVED


SAN LUIS OBISPO  
CA 93407

To: George Lewis  
Chair, Academic Senate

SEP 14 2003

Date: September 16, 2003

ACADEMIC SENATE

From:   
Warren J. Baker  
President

Copies: Paul Zingg  
David Conn  
Mike Suess  
Jean DeCosta

Subject: Response to Senate Resolution AS-568-01/FEC  
Procedures and Name Change for the Academic Senate Faculty Ethics Committee

This will acknowledge receipt and approval of the above subject Resolution. The procedures for the Faculty Dispute Review Committee appear to have been drafted with care, as well as with recognition of the jurisdictions of other University policies on sexual harassment, amorous relationships, etc., as well as the collective bargaining agreement between the CSU and CFA.

Please extend my appreciation to the Faculty Dispute Review Committee for their diligent work on this matter.